



STATE OF DELAWARE  
**DEPARTMENT OF AGRICULTURE**  
2320 SOUTH DuPONT HIGHWAY  
DOVER, DELAWARE 19901  
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MICHAEL T. SCUSE  
SECRETARY

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**Respondent:**

**Simply Green**  
**216 S. Maryland Ave.**  
**Wilmington, DE 19804**

**Violations:**

§1224(c)(1) –Operating in a faulty, careless, or negligent manner.

**Penalty:**

Respondent signed a consent agreement on July 2021. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$720.00

**STIPULATED FACTS**

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1. Simply Green (“Respondent”) is a commercial pesticide applicator business with an office located at 612 S. Colonial Ave., Wilmington, DE 19805. Respondent is licensed (License No. 1449) by the Delaware Department of Agriculture (“the Department”). Randy Collier is the Manager of Respondent and is certified by the Department as a commercial pesticide applicator (Cert. # 10-250), in Category 7.3, Ornamental and Turf Pest Control (03), Category 7.5.1.3.
2. Respondent employs Andrew Rendina as a lawn care technician. Mr. Rendina is a registered service employee for Respondent. Mr. Rendina has been a registered service employee since 5/4/2021.
3. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against Respondent. Emmanuel Sempeles, (“Sempeles”), is employed as an Environmental Scientist I with the Department.

4. On April 29<sup>th</sup> 2021, the Delaware Department of Agriculture received a complaint email from a resident of Adams Run neighborhood. In the email the complainant stated that there was granular material in the roadway in front of 401 Terra Drive, 206 Rhett Drive and 207 Rhett Drive, Newark DE. The email also contained a picture of the roadway showing granular material in the roadway, the pictures also showed the posting sign of the Respondent.
5. On April 30<sup>th</sup> 2021, Sempeles arrived at 401 Terra Drive, 206 Rhett Drive and 207 Rhett Drive. Sempeles documented yellow granular material in the roadway in front of the three addresses. The yards also had the Respondents yard posting. Photographs were taken during this visit. Sempeles contacted Mr. Collier and notified him that there were granules present in the roadway and asked if someone could come and clean up the granules. During this conversation Sempeles notified Mr. Collier that he would be collecting the application records for these addresses.
6. On May 4<sup>th</sup> 2021, the Department received the application records from the Respondent.
7. While reviewing the records submitted by the Respondent the brand name of the pesticide used was not recorded on the records provided. The records also do not indicate what pest is being controlled during the treatment.
8. *Title 3 Agriculture Delaware Administrative Code 601 Delaware Pesticide Rules and Regulations 14.1 states: Commercial Applicators. Commercial applicators shall, for a period of two years from the date of application, keep records detailing the application of any pesticides to include.*
  - 14.1.1 The brand name of the pesticide used.
  - 14.1.4 The pest against which the pesticide was used.
  - 14.1.7 In addition to the above record keeping requirements, the applicator shall have available at the site of application, a copy of the label of the pesticide being used. Upon request, the applicator shall provide any interested person at or adjacent to the application site, with any information contained on the pesticide label.
9. Escalade 2 Herbicide, EPA Reg. No. 228-442 is a registered pesticide in the State of Delaware.
10. Turf King Fertilizer, EPA Reg. No. 53883-171-47956 is a registered pesticide in the State of Delaware.
11. In the past 5 years, Respondent has one pesticide compliance violation with the Department, this violation was issued on 8/23/2017 Docket number 17-07.